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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,622	01/19/1999	ALAN CURTIS PERKINS	AT9-98-346	1621

7590

03/15/2005

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EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/232,622

Applicant(s)

PERKINS ET AL.

Examiner

Kieu D Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 07/09/02, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bereiter et al ("Bereiter", USP 5917492) and Alexander, III et al ("Alexander", USP 6002872).

Regarding claims 1, 11, and 21, Bereiter teaches displaying hierarchical dependencies comprising the steps of selecting a node from a node list displayed in one of a first and a second window region (selecting second node in window 212) and

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displaying one of a first node which is a subnode associated with the selected node (displaying in window 216 subnodes of selected second node). Bereiter differs from the claim in that Bereiter does not teach that the node is a routine. However, such feature is known in the art as taught by Alexander. Alexander teaches steps for monitoring performance of a program (col 2, lines 38-40) wherein each routine in a program is represented as a node in a tree structure (col 2, lines 55-60). It would have been obvious to one of ordinary skill in the art, having the teaching of Bereiter and Alexander before him at the time the invention was made, to use nodes to represent routines in displaying hierarchical dependencies taught by Bereiter so that Bereiter's optimizing screen estate method (col 2, lines 20-23) can be effectively used in monitoring program performance.

Regarding claims 2, 12, and 22, Bereiter teaches first window region comprises a calls window region (window 212 displays parent nodes) and said second window region comprises a called-by window region (windows 216 shows subnodes).

Regarding claims 3, 13, and 23, Bereiter teaches node list is contained in a plurality of data structures stored in a database (col 4, lines 5-7).

Regarding claims 4, 14, and 24, Bereiter teaches displaying said one of said first and second nodes in a tree hierarchy (Fig. 6D) (col 1, lines 8-13)

Regarding claims 5, 15, and 25, Bereiter teaches selecting an icon associated with said node wherein said icon flags said node as having an undisplayed node dependency ("+" shows the node has not been expanded) (col 8, lines 10-34).

Regarding claims 6, 16, and 26, Bereiter teaches the step of accessing a data

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structure stored in a database (col 4, lines 5-7), said data structure having an entry corresponding to said node, and wherein said step of displaying said one of said first and second nodes comprises the step of displaying said one of said first and second nodes in response to a node identifier, corresponding to said one of said first and second nodes, contained in a portion of said entry (Fig. 6A) (nodes are displayed in response to user's click on the node identifier 200a) (col 8, lines 24-33).

Regarding claims 7, 17, and 27, Bereiter teaches displaying said first nodes in response to said node identifier of said entry (nodes are displayed in response to user's click on the node identifier 200a) (col 8, lines 24-33).

Regarding claims 8, 18, and 28, Bereiter teaches displaying said second nodes in response to said node identifier of said entry (nodes are displayed in response to user's click on the node identifier 200a) (col 8, lines 24-33).

Regarding claims 9, 19, and 29, Bereiter teaches specifying a node type (root node or child node) and wherein said step of displaying said one of said first and second nodes comprises the step of displaying said one of said first and second nodes in response to said node type (col 8, lines 19-34).

Regarding claims 10, 20, and 30, Bereiter teaches displaying said node list in said first and second window regions (Fig 6D).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

A handwritten signature in black ink, appearing to read 'JOHN CABECA', with a long horizontal flourish extending to the right.

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100